

(348132457) On-line FOIA Request
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2010 DEC 22 P 4:30

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10_SPECIFIC_INFORMATION_NEEDED_:Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, the Southern Environmental Law Center ("SELC") requests all documents in the possession or control of the Environmental Protection Agency ("EPA") that relate to Alabama's coal mine permitting programs as administered by the Alabama Department of Environmental Management ("ADEM") and/or the Alabama Surface Mining Commission ("ASMC").

These documents are to include, but are not limited to:

- 1) Documents related to ADEM's permitting processes for coal mines in the state of Alabama. Specifically, any evaluations, comments and/or correspondence concerning these permitting processes and the information relied upon in making these evaluations and/or comments by EPA or ADEM.
- 2) Any EPA evaluations, comments and/or correspondence concerning the National Pollution Discharge Elimination System ("NPDES") permitting processes as administered by ADEM in Alabama regarding coal mines.
- 3) Any correspondence between EPA and ADEM concerning an individual, draft or final NPDES coal mine permit in Alabama, or other permits relating to coal mining activities, sent or received within the last two years.
- 4) Any EPA evaluation, comments and/or correspondence concerning the ASMC coal mining permitting processes in Alabama.
- 5) Any environmental or other studies and/or draft studies concerning coal mining effects on the waterways of Alabama.
- 6) Any documents, studies, data, notes and/or other materials relied upon in drafting the October 1, 2010, letter from James G. Giattina (EPA Director of the Water Protection, Region IV) to Ms. Glenda Dean (Chief, Water Division, ADEM) concerning draft NPDES permits for Alabama coal mines. The subject of the letter is "Draft Permit Review."
- 7) Any documents, studies, data, notes and/or other materials relied upon in drafting the November 9, 2010, letter from James G. Giattina (EPA Director of the Water Protection, Region IV) to Ms. Glenda Dean (Chief, Water Division, ADEM) concerning draft NPDES permits for Alabama coal mines. The subject of the letter is "Draft Permit Review."

For the purposes of this request, the term "documents" includes all written, printed, recorded or electronic materials, communications, correspondence, memoranda, notations, copies, diagrams, charts, maps, photographs, tables, spreadsheets, formulas, directives, observations, impressions, contracts, letters, messages and mail in the possession or control of the EPA concerning the topics above.

11_FEE_:Other Specified Amount, \$100.00

12_FEE_WAIVER:Yes

13_FeeWaiver_text:SELC is requesting photocopies without charge, or at a reduced charge, because reduction or waiver of fees would be in the public interest. A disclosure is in the public interest if (1) it is likely to contribute significantly to public understanding of the operations or activities of the government, and (2) it is not primarily in the commercial interest of the requester. The public interest standard of the fee waiver provision of the FOIA should be "liberally construed" in favor of waivers. McClellan Ecological Seepage Situation v. Carlucci, 835 F.2d 1282, 1284 (9th Cir. 1987); Pederson v. Resolution Trust Corp., 847 F. Supp. 851, 855 (D.Colo.1994); Etlinger v. FBI, 596 F. Supp 867, 872 (D. Mass. 1984). The goal of the statute is to avoid the "roadblocks and technicalities which have been used by various Federal agencies to deny waivers...." Pederson, 847 F. Supp. at 855.

SELC is a 501(c)(3) non-profit organization with almost 25 years of experience disseminating public information regarding U.S. regulatory and operational issues. See. 5 U.S.C. § 552 (a)(4)(A)(iii). SELC maintains a website that includes both general and topic-specific information regarding the matters with which SELC is involved. For example, SELC frequently publishes reports and issues press releases regarding its projects (See e.g., "Clean Air for the Birmingham Area",

http://www.southernenvironment.org/uploads/publications/BAR_0909_Final.pdf, and "Four Environmental Groups Seek to Defend Greenhouse Gas Rule in Court" http://www.southernenvironment.org/newsroom/press_releases/tailoring_rule_moti_on_to_intervene/. Lawyers at SELC are routinely interviewed by the media to explain their work and its significance. (See, e.g., "Freeze on Offshore Drilling was Verbal Order," NPR, May 25, 2005, <http://www.npr.org/templates/story/story.php?storyId=127114044>.) SELC's website co

ntains documents generated by SELC for the specific purpose of educating the public on particular issues. (See e.g., "Alabama Water Agenda; Guiding the Way to Healthy Waters"

http://www.southernenvironment.org/uploads/publications/al_water_agenda_jan07.pdf). SELC also assists the public in locating information relating to a particular topic by collecting and posting relevant information, documents, and links to other websites.

All of this information is available for free to any interested member of the public. SELC staff members also educate the public by speaking at conferences and other public meetings about environmental and natural resource issues in the Southeast. A fee waiver clearly will benefit the general public through increased notice and understanding of the operations of the government and of potential or proposed major policy incentives. SELC further certifies that disclosure of the information sought is not primarily in the commercial interest of the requester.

15_ExpeditedWaiver_text

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Fw: 4-FOI-00186-11 Fee Waiver Granted

Group R4Foia Marlyn Lee

Melvin Cruver

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Ardalia Ward

01/07/2011 02:33 PM

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Fw: 4-FOI-00186-11 Fee Waiver Granted

For your information. Clock started 01/07/11.

mjc

----- Forwarded by Melvin Cruver/R4/USEPA/US on 01/07/2011 02:32 PM -----

From: Cynthia Floyd-Coleman/DC/USEPA/US
To: Melvin Cruver/R4/USEPA/US@EPA
Cc: r4foia@epa.gov
Date: 01/07/2011 11:04 AM
Subject: 4-FOI-00186-11 Fee Waiver Issue

The fee waiver has been granted for this request. A copy of the letter is in FOIAXpress FYI.

Thanks
Cindy

Cynthia Floyd-Coleman, FOIA Specialist
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Office of Environmental Information
U.S. Environmental Protection Agency
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